

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO LEE MIXON,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

2:16-cv-02014-RFB-GWF

ORDER

I. DISCUSSION

The Court interprets Plaintiff's letter, dated October 13, 2016, as a motion for a second request for an extension of time to file a complete application to proceed *in forma pauperis*. (ECF No. 6-1). In the letter, Plaintiff explains that he has had difficulty obtaining the necessary documents from the Nevada Department of Corrections ("NDOC"). (*Id.*).

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement to this Court. Plaintiff will be granted an extension of time to file of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*.

If, however, Plaintiff continues to have difficulty obtaining a financial certificate and an inmate account statement from prison officials, Plaintiff shall file an affidavit in this case detailing when he requested the documents, who he spoke to about the status of the documents, who he followed up with after he did not receive the documents, and their

1 responses. In other words, if Plaintiff is unable to acquire the necessary documents from
2 prison officials, he must provide the Court with an affidavit that demonstrates that he has done
3 all that he could to acquire the documents by the Court's deadline. Plaintiff's affidavit should
4 include dates of his requests, dates of his follow-up requests, names of the prison officials that
5 he spoke to about the matter, and their responses. If Plaintiff's affidavit demonstrates that he
6 has done all that was possible to acquire the documents, the Court will consider his application
7 to proceed *in forma pauperis* complete.¹

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
10 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
11 the document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that **on or before Friday, December 2, 2016**, Plaintiff shall
13 either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form
14 with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) file an
15 affidavit detailing the efforts he took to acquire a financial certificate and an inmate account
16 statement from prison officials. If Plaintiff chooses to file an affidavit, his affidavit must
17 describe the actions he took to acquire the documents through Friday, November 25, 2016.
18 Plaintiff shall not file an affidavit before that date. Additionally, Plaintiff must submit an
19 application to proceed *in forma pauperis* to this Court even if he is unable to acquire the
20 necessary attachments from prison officials.

21 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
22 dismissal of this action may result.

23
24 DATED: This 19th day of October, 2016.

25 
26 United States Magistrate Judge

27
28 ¹ Plaintiff must still submit an application to proceed *in forma pauperis* with his affidavit.